

REMARKS

Claims 16, 18-25, 27, 29-36 and 42-54 are pending in the application. Claims 16, 18-20, 22, 24, 25, 27, 29-33, 35 and 36 have been amended. Claims 1-15, 17, 26, 28 and 37-41 have been canceled without prejudice or disclaimer. Claims 42-54 are newly added. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1-41 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,613,113 to Goldring, hereafter Goldring, in view of U.S Patent No. 6,625,567 to McMahan, hereafter McMahan.

This rejection is moot as to claims 1-15, 17, 26, 28 and 37-41, which have been canceled, and is inapplicable to claims 16, 18-20, 22, 24, 25, 27, 29-33, 35 and 36 because of the amendment to the claims that has changed their dependency from canceled claims to new claims.

Claims 16 and 22 have been amended to depend from new claim 52, making the series of claims 16 and 18-25 dependent on new claim 52. Claims 29 and 33 have been amended to depend from new claim 53, making the series of claims 29-36 dependent on new claim 53.

Although new claims 52 and 53 have not been rejected, the following observations are offered. New claim 54 is directed to a memory media and is similar to claims 52 and 53. New claims 52-54 each recite process data that is stored in a memory. An access request is generated wherein the access request is based on a data structure that comprises "a plurality of activities and events of said process, one or more attributes of a first one of said activities, and one or more attributes of a first one of said events, wherein said first event is framed by said first activity". In response to the access request, the data structure is used to access the memory to retrieve event data of the first event.

Goldring lacks the data structure, generating an access request based on the data structure and in response to the access request using the data structure to access the memory to retrieve a particular event data.

Goldring discloses a system that accesses data in an activity log with “routines that read activity logs” (column 5, lines 39 and 40), reads the entries in the activity log” (column 7, line 21), “read the activity log and will extract from the log” (column 7, lines 28 and 29), “read the activity log, extract the necessary information” (column 10, lines 12 and 13), “the log read processor scans the transaction log” (column 10, lines 16 and 17), “scans the log for time stamp values of interest” (column 10, line 65). None of these citations discloses or teaches generating an access request as recited in claims 52-54. Moreover, these citations do not access the activity log for or based on time stamps. Rather, the log processor appears to be reading entries from the activity log and determining if the read entry contains a time stamp of interest.

Since Goldring does not disclose an access request based on the claims data structure, Goldring also does not respond to the request by using the data structure to retrieve the data of an event.

The Examiner seems to contend that Goldring discloses an activity, but does not identify what in Goldring is an activity. The update entries in the activity log are events and not activities that have duration.

The Examiner admits that Goldring does not teach an event that is framed by an interval, but contends that McMahan teaches state machines that “measure the time between starting and ending events or activities associated with industrial processes.” citing Fig. 3 and column 5, lines 8-18. This citation merely measures the time between a starting event and an ending event. McMahan’s system waits for a starting event to occur by analyzing log file entries

corresponding to the event of interest until the event of interest is located. That is, the log is read one at a time and compared to the event of interest until the read log entry matches the event of interest. There is no discussion or disclosure of an activity that frames any event. Therefore, any combination of Goldring and McMahan does not have generate an access request based on the claimed data structure in which an activity frames an event and does not respond to the request by using the data structure to access the memory and retrieve the vent data.

The Office Action suggestion to use McMahan in combination with Goldring is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claims 16, 18-25, 27, 29-36 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.


Newly presented independent claims 42, 48 and 51 recite an activity framing program that responds to input data entered by a user to define a data structure in which an event is framed by an activity and wherein the framing program responds to an access request that identifies the activity and an attribute thereof to access process data to retrieve the event data. As noted in the discussion of new claims 52-54, the combination of Goldring and McMahan

does not teach a data structure of this type and further does not teach an access request based on the data structure and using the data structure in response to the request to retrieve the event data. Accordingly, it is submitted that new claims 42-54 distinguish from the cited art and are, therefore, allowable.

It is respectfully requested for the reasons set forth above that the rejection under 35 U.S.C. 103(a) be withdrawn, that claims 16, 18-25, 27, 29-36 and 42-54 be allowed and that this application be passed to issue.

Respectfully Submitted,

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Paul D. Greeley
Reg. No. 31,019
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
(203) 327-4500